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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,421	03/03/2000	Victor Rossin	805.300US01	6283

7590 04/10/2003

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EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,421

Applicant(s)

ROSSIN ET AL.

Examiner

Armando Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,10-15,17,32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsamo (PCT WO01/48874).

Figure 1 illustrates a semiconductor laser for coupling to an optical fiber having a tapered configuration with three regions a narrow region (106) having a width (W1) with a length L1, a diverging region (108) with length L2 of 100 μm and a wide region having a width (W3) with a length L3, where W3 is greater than W1, as described in pages 11-13.

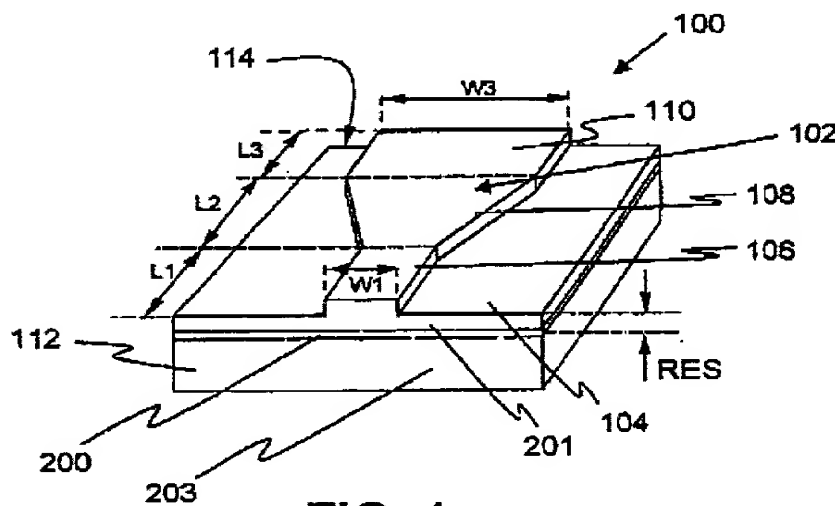
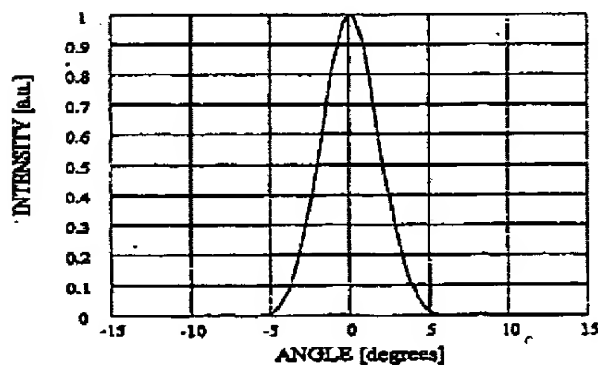
The semiconductor laser provides an output beam having a beam profile with constant slopes and a peak at the 0 degree, as shown in figure 6B, as described in page 16.

Balsamo discloses the width of the wide region as having a range of 5-20 μm and the width of the narrow region as having a range of 3-5 μm , where the 5 μm and the 3 μm are slightly greater than the claimed widths of 4.3 μm and 2.3 μm by 0.7 μm .

Therefore, it would have been obvious to person having ordinary skill in the art at the time the invention was made to modify the semiconductor laser of Balsamo by changing the size of the device. Furthermore, In *Gardner v. TEC Systems, Inc.*, 725

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F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

**FIG. 1****FIG. 6B**

Claims 1-9,16-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsamo (PCT WO01/48874), as applied to claims 1 and 17 above, and in view of Ventrudo (PN 6,058,128) and Miki et al (PN 6,094,515).

Regarding claims 1-9,17-31,

Balsamo discloses coupling the laser system to a fiber, but fails to disclose the fiber having a wavelength selection grating.

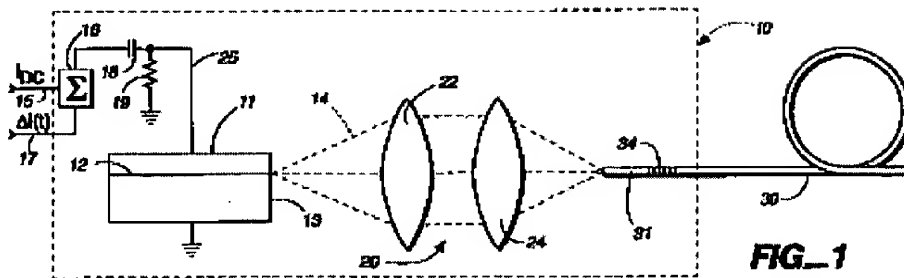
Ventrudo discloses coupling a laser system to a fiber having a grating.

Ventrudo illustrates in figure 1 a semiconductor laser (11) coupled via lenses (22,24) to an optical fiber (31), which contains a rare earth active gain medium (30) and a Bragg grating (34) positioned at 2cm to 3cm from the laser facet and having a reflectivity not exceeding 10%, as described in column 4 lines 19-67. In the abstract and columns 5 and 7 Ventrudo discloses the grating is provided at distance from the laser for causing the system to switch between the coherence collapse and coherence state.

Therefore, it would have been obvious to a person having ordinary skill in art at the time the invention was made to couple the laser system of Balsamo with the fiber grating of Ventrudo because Ventrudo discloses coupling a fiber grating to laser system which will provide a broad band of wavelengths in a communications system.

Regarding claim 16,

The use of temperature controller within a semiconductor laser coupled to fiber waveguide is well known in the art, as shown in figure 2A and disclosed in column 4 line 13 of Miki et al.



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4881.


Armando Rodriguez
Examiner
Art Unit 2828


Paul Ip
Supervisor
Art Unit 2828

AR/PI
April 1, 2003